

In re Appln. of Christian Wipliez et al.
Application No. 09/857,339
Response to Office Action of September 14, 2005

Remarks

Applicants point out that the Title of the present application (i.e., Protocol for remote launching of a software application and reserving network resources with quality of service), which is also the English language title of corresponding PCT application PCT/FR00/02725, is not a true and correct English language translation of the original French title. Upon U.S. national stage entry Applicants identified the Title of the present application (see, for example, application transmittal dated June 4, 2001 and the as-filed document entitled "Declaration for Patent Application and Power of Attorney") to be "Protocol for launching a software application remotely and for reserving network resources with quality of service". Applicants have since attempted, without success, to correct the present title on several occasions by requests for a corrected filing receipt. Now, in view of the foregoing, Applicants have amended the Title of the present application to be the true and correct English language title.

Claims 11-20 are pending in the present application. Claims 13 and 16 are objected to because of informalities relating to form and claims 11, 12, 14 and 16 stand rejected. Claims 13, 15 and 17-20 are indicated as including allowable subject matter, but are objected to as being dependent upon a rejected base claim.

Applicants appreciate the indication of allowable subject matter in claims 13, 15 and 17-20. Claims 13 and 16 have been amended to correct clerical errors relating to dependencies of the claims and obviate the noted objections to form. Claims 13 and 16 now depend from claim 11. Reconsideration of claims 11, 12, 14 and 16 is respectfully requested in view of the remarks set forth below.

Claims 11, 12, 14 and 16 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,856,676 to Pirot et al. (hereinafter Pirot). In general, the system and method disclosed by Pirot are aimed at controlling and managing Internet Protocol (IP) services in a voice/data telecommunication network (see col. 1, lines 13-16). According to the Office Action, Pirot is said to disclose all the features of claim 11 except "transmitting a connection reservation request from said caller terminal to said called terminal" via a server and an unconnected network. To this end, the Office Action characterizes the media gateway

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controller and Internet disclosed in Pirot as Applicants' server and unconnected network, respectively.

Applicants respectfully disagree with the characterization that the media gateway controller of Pirot is a server. As disclosed in Pirot (col. 1 lines 60-63) "A media gateway controller is in communications with the media gateway interface and media gateways and *carries out service logic* for a voice or data service *according to input received from the media gateways.*" (emphasis added) Furthermore, column 2, lines 49-57 state that "Media gateway controller 40 performs the "real-time" functions with media gateway interface 42 which interact with media gateways 70 and executes service logic 44 that defines the behavior of the media gateway. Media gateways 70 may include IP or non-IP network elements such as PSTN-SCN (public switched telephone network-switched circuit network), voice gateways, remote access nodes or systems, routers, switches, and end-user and content devices." Moreover, Pirot states (col. 6 lines 5-12) that "The core of media gateway controller 40 is service logic 44. Service logic 44 defines the functioning of the whole network including how all network elements behave, and which functions they execute for which user at what time. Based on the data stored in the database, the service logic runs appropriate service functions and provides the media gateways the necessary data to function. Service logic 44 contains voice services 110 and data services 111. Depending on the contextual information delivered with the call, a service is invoked."

In view of the foregoing, it can be appreciated that the media gateway controller of Pirot is not a server, but rather is a controller that executes service logic to control various media gateways to which it is connected. More correctly, the Office Action should characterize the media gateways as servers since the media gateways (under control of the media gateway controller) provide the voice and data services to end users. Such media gateways simply provide services and do not reserve network resources with quality of service as claim 11 recites.

Even if, for argument's sake, the media gateway controller of Pirot could be characterized as a server, Pirot does not disclose, teach or suggest that the media gateway controller reserves network resources on a connected network to provide voice or data

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services. In fact, contrary to Applicants' invention, Pirot discloses (col. 3 lines 36-37) that connections for voice and data services "go *directly* into the ATM back-bone and to the final destination". (emphasis added) Thus, it can be appreciated that voice and data connections made by the system and method of Pirot are already reserved and pre-established (e.g., VPN connections) and are not made by a process of actively and on an as-needed basis reserving network resources as Applicants teach.

Furthermore, Pirot does not disclose, teach or suggest reserving network resources *with quality of service according to an interactive dialog between the caller terminal and the called terminal*, as the Applicants recite in claim 11. Contrary to Applicants' teachings where the user actively selects a quality of service according to an interactive dialog, Pirot discloses that a user is passively assigned a certain quality of service upon authorization - "Authorization is the process that allows the user to enter certain classes of services, or certain quality levels of services." (col. 8 lines 20-22 of Pirot)

In Applicants' protocol, the interactive dialog between the caller terminal and the called terminal clearly results from:

- the transmission of the correction reservation request from the caller terminal to the called terminal, via the server and unconnected network;
- setting up the process of reservation of network resources with quality of services between the caller and called terminal;
- setting up a connected network between the caller and called terminal, on the same physical network supporting the unconnected network by means of a control network.

As such, the connected network serves as a network resource with quality of service to execute the selected software application remotely (i.e., at the level of the called terminal to the benefit of the caller - called terminal transaction) resulting from communications over the unconnected network, wherein the unconnected and connected networks are on the same physical network. In a clear contradistinction to claim 11, Pirot does not disclose, teach or suggest establishing the above mentioned interactive dialog to:

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- firstly, making network resource reservation with quality of service on an unconnected network, like the IP network;
- secondly, implementing on the same network physical support a connected network between caller and called terminal thanks to a control network;
- thirdly, launching a selected software application remotely to the benefit of the caller - called terminal transaction.

Moreover Pirot does not disclose, teach or suggest that the ATM and IP networks disclosed in Pirot are on the same physical network.

In view of the foregoing, Applicants submit that the Office Action is relying on improper hindsight reasoning in establishing that "it would have been obvious to an ordinary person of skill in the art" to perform the following steps that are recited in claim 11 but not disclosed, taught or suggested by Pirot, including:

transmitting a connection reservation request from said caller terminal to said called terminal;

setting up between said caller terminal and said called terminal a process of reservation of network resources with quality of service by exchanging messages by transmission via said unconnected network and, on acceptance of said reservation of network resources by said server,

setting up a connected network between said caller terminal and said called terminal on the same physical network supporting said unconnected network and by means of a control network, said connected network constituting said network resource with quality of service for executing said software application remotely between said caller terminal and said called terminal.

Applicants respectfully point out that the Applicants' protocol as recited in claim 11 allows the launching of a software application remotely and the reserving of network resources with quality of service on the called terminal under request of the caller terminal and acceptance of the called terminal with any intervening edge node or service node operated in a fully transparent manner. The protocol further allows enabling communication

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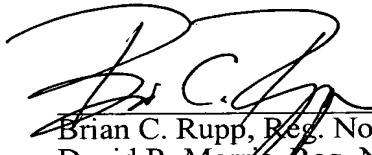
with a guaranteed bit rate and quality of service on the connected network under request of the caller terminal and acceptance of the called terminal.

The mode of operation of the protocol of the invention as claimed by claim 11 is more particularly intended for managing videophone calls at the level of the caller terminal. None of the cited documents disclose or even suggest implementing such a new service, which can be dedicated to videophone calls, as an example.

In view of the arguments and remarks set forth, Applicants submit that claim 11 is not obvious and should therefore be allowed. Furthermore, at least in view of the foregoing arguments and remarks, Applicants submit that dependent claims 12-20 are allowable.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,



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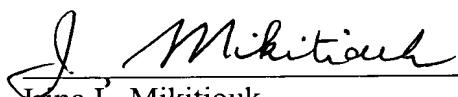
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CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION OF SEPTEMBER 14, 2005 (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: December 8, 2005



Irina L. Mikitiouk

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